

REMARKS

Claims 1-21 are pending in the application and stand rejected. Claim 1 stands rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson et al. (US 5,455,617) in view of Palmer et al. (US 5,530,702). Claims 2, 4, 5, and 8-10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harshbarger et al. (US 5,268,708) in view of Stephenson et al. and Palmer et al. Claim 3 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Harshbarger et al. in view of Stephenson et al. and Palmer et al. as applied to the claims above, and further in view of Kip et al. (US 5,105,190). Claims 6 and 13-21 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Stephenson et al. in view of Palmer et al. and Kip et al.

Applicants respectfully request reconsideration in view of the foregoing amendments and the following remarks. In the Office Action of 8.17.2004, the Examiner indicated that "the prior art of record does not teach, or properly render obvious placing an end cap over the transponder disposed in an end portion of the spool." Independent claims 1, 6, 7, 8 and 9, 11, and 12 now incorporate an end cap and are believed to be allowable consistent with the indication of allowable subject matter. Specifically, claim 1, now claims that said end cap is positioned over the transponder, while claim 2 now claims that an "an end cap at least in part covers the transponder." Accordingly claims 1 and 2 and all claims that depend therefrom are believed to be in a condition for allowance.

Independent claim 6 has also been amended. In its amended form claim 6 claims in part "an end cap that at least in part covers the transponder", while claims 7, 11 and 12 have been amended and now claim in part a transponder that "is disposed in an end portion of the spool and that is at least in part covered by an end-cap". Each of claims 7, 11 and 12 also no longer incorporate a limitation on the end-cap that it "supports the spool for alignment in the printer". Claim 8 now claims a transponder that is "disposed in an end portion of a spool and at least in part covered by and end cap;..." Accordingly, claims 6, 8, 7, 11 and 12 and all claims that depend therefrom are believed to be in a condition for allowance.

Claims 7, 11 and 12 stand rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 16-18 of prior U.S. Pat. No. 6,634,814. Claims 1-6, 8-10, and 13-21 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 and

19-21 of U.S. Pat. No. 6,634,814. Claims 7, 11 and 12 have been amended as discussed above, as amended, are not identical to those of U.S. Pat. No. 6,634,814. Further the amendments to claims 2, 6, and 8 each introduce a new element. Accordingly, claims 1-15 and 19-21 of U.S. Pat. No. 6,634,814 do not anticipate or make obvious each and every element of each of these claims or the claims that depend thereupon.

Filed concurrently herewith is a supplemental information disclosure statement. This includes, inter alia, the Temic references identified in the previously filed information disclosure statement but not received therewith. It is also noted that the printed text of the previous information disclosure statement incorrectly identifies another attorney as having signed that paper. Instead, the undersigned signed that document.

It is respectfully submitted, therefore, that in view of the above amendments and remarks, that this application is now in condition for allowance, prompt notice of which is earnestly solicited.

Respectfully submitted,



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